

REMARKS

These remarks are being filed in response to the Office Action mailed in this application on December 8, 2003. A Petition for Extension of Time accompanies this Response. Reconsideration of this application is respectfully requested.

Claims 1-4, 13 and 17 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 3976223 ("Jass et al."). Applicants respectfully traverse this rejection.

According to the rejection, Jass et al. disclose an aerosol container containing a gel; the aerosol is provided by mechanical stream break up features and, according to the rejection, is therefore self-sealing; and the aerosol is not a single dose container as *implied* (emphasis added) by the effort made to avoid contamination of the contents during use.

However, the purpose of the package of Jass et al. is to separately store a plurality of flowable substances in a single package from which such substances may be dispensed. According to Jass et al., only the lower chamber of the outer container is pressurized with a gas through a self-sealing plug in the container bottom. See, e.g., column 2, lines 53-57. With respect to some implication read into Jass et al., applicants submit that Jass et al. does not address the avoidance of contamination during use. Rather, the avoidance of contamination appears to be with respect to storage. See, e.g., column 5, lines 23-32 and column 6, lines 8-13.

For at least these reasons, applicants submit that the basis for the rejection is without merit. Accordingly, the rejection should be withdrawn.

Claims 5, 6, 10, 14, 15 and 18 were rejected under 35 USC §103 as being unpatentable over Jass et al. in view of EP 666 081 ('081). Applicants respectfully traverse this rejection.

Once again, applicants submit that there appears to be a basic misunderstanding of the invention. The invention is not simply substituting one *liquid* in any aerosol device for another. The focus of the invention in Jass et al. is to separately store a plurality of flowable substances in a single package from which such substances may be dispensed. Since that is the focus of the invention, there is no reason other than hindsight to substitute the composition of the '081 document for the composition of Jass et al.

Further, while the composition in the '081 document is a gel, the '081 document does not provide that which is missing in Jass et al. as noted above.

For at least these reasons, applicants submit that the claimed invention is patentable over the cited art, and they request that this rejection be withdrawn.

Claims 8, 9, 19 and 20 were rejected under 35 USC §103 as being unpatentable over US Patent No. 5059187 ("Sperry et al.") in view of Jass et al. Applicants respectfully traverse this rejection as well.

Essentially, according to the rejection, Sperry et al. teach an aerosol container and a method for cleaning the wound as claimed in the instant application. Applicants strenuously disagree. In fact, Sperry et al. teach away from the present invention in at least two important ways. First, Sperry et al. do not teach or suggest a dispensing vehicle that contains multiple doses of wound-treating material. Instead, Sperry et al. teach away from a multiple dose container stating that "the container and method ... [is such that] the container contains enough wound cleaning solution to irrigate the average wound or abrasion." (See col. 1, lines 52-56.) Thus, although the contents of the container in Sperry et al. can be sterilized, Sperry et al. do not disclose a dispensing device that can contain more than a single dose of wound-treating material. Thus, nothing in Sperry et al. suggests a wound gel dispenser capable of dispensing multiple doses while keeping the wound gel contents reasonably free of contaminants.

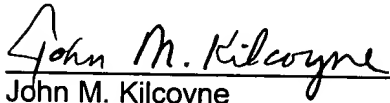
A second way in which Sperry et al. teach away from the present invention is in the fact that Sperry et al. disclose a method of dispensing liquid, not gel, to a wound. This method lacks the complicating factors of dispensing a gel that is in gel-form within the container.

Further, Sperry et al. do not make up for the deficiencies of Jass et al. as noted above. For at least these reasons, applicants request that this rejection be withdrawn.

In view of the foregoing, reconsideration of this application and allowance with all the pending claims is respectfully requested.

Respectfully submitted,

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